## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STA	TES OF AMERICA,	0-0000440
	Plaintiff,	) 8:09CR419 )
VS.		) ) DETENTION ORDER
DAVID CRESS,		) }
	Defendant.	<i>)</i> )
Act on Ma	ving a detention hearing pursua	ant to 18 U.S.C. § 3142(f) of the Bail Reform e above-named defendant detained pursuant
The Cour X By co X By	nditions will reasonably assure clear and convincing evidence	
contained X (1)	t's findings are based on the d in the Pretrial Services Report Nature and circumstances of (a) The crime: a conspir distribute methamphe 846 carries a minimum maximum of life impris (Counts II and III) in vibration maximum sentence of (b) The offense is a crime (c) The offense involves the contract of the contract o	f the offense charged: racy to distribute and possess with intent to etamine (Count I) in violation of 21 U.S.C. § m sentence of ten years imprisonment and a conment; the distribution of methamphetamine iolation of 21 U.S.C. § 841(a)(1) each carry a f twenty years imprisonment. e of violence.
	may affect where the defendant of the de	nt appears to have a mental condition which nether the defendant will appear. In that no family ties in the area. In that no steady employment. In that no substantial financial resources. In that no substantial financial resources. In that not a long time resident of the community. In the defendant is not a history relating to drug abuse. In that a history relating to alcohol abuse. In that a significant prior criminal record. In that a prior record of failure to appear at

## DETENTION ORDER - Page 2

	<ul><li>(b) At the time of the current arrest, the defendant was on: Probation</li></ul>
	Parole Release pending trial, sentence, appeal or completion of sentence.
	(c) Other Factors: The defendant is an illegal alien and is subject to
	deportation The defendant is a legal alien and will be subject to deportation if convicted.
	The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
X	(4) The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Indictment and the defendant's criminal and substance abuse history.
X	(5) Rebuttable Presumptions
	In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted:  X (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that
	the crime involves:  (1) A crime of violence; or
	<ul> <li>(1) A cliffle of violence, of</li> <li>X</li> <li>(2) An offense for which the maximum penalty is life imprisonment or death; or</li> </ul>
	X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or
	(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
	X (b) That no condition or combination of conditions will reasonably
	assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable
	cause to believe:  X (1) That the defendant has committed a controlled
	substance violation which has a maximum penalty of 10 years or more.
	(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

## **DETENTION ORDER - Page 3**

- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 8, 2010. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge